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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/035,612	03/05/98	YUZAWA	K SONYJP-3.0-0

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EXAMINER

HUANG, S

ART UNIT PAPER NUMBER

2711

10

DATE MAILED:

03/16/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/035,612

Applicant(s)

Yuzawa

Examiner

Sam Huang

Group Art Unit

2711

☒ Responsive to communication(s) filed on Jan 6, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 3, 4, and 7-26 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 3, 4, and 7-26 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 10

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Response to Amendment

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 3, 4, 7, 8, 9-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozawa et al. (US 5,978,012, hereinafter "Ozawa").

Regarding claim 9, Ozawa discloses a data receiving-processing apparatus and method designed to receive digital signals, comprising: a front end 3 which demodulates the received digital signal and outputs a corrected signal to the transport block 4. Subsequently, the transport block 4 detects the plurality of input data (including extended function program) and separates the input data into video data packet, audio data packet and other data packets in an ordinary receiving mode. (Fig. 1, cols. 3, 4). Although Ozawa fails to specifically address multiplexing the extended function program in the digital data, such technique is extremely well known in the art since it provides the transmission of a number of separate signals simultaneously over a single channel or line.

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Moreover, Ozawa discloses a front end 3 which performs error correction on the input signal which is read on as a “quality detecting means”. Ozawa also shows: an extracting means for separating the input data and extracting the extended function program; storing means 8, 9 for storing the extracted extended function program; a CPU 6 for generating control data for storing the extended function program; and wherein the CPU executes a storing function if the quality of the input signal is above the error correction level. (Id.).

As for claim 3, Ozawa provides a data receiving-processing apparatus for a digital television (display) receiver. Although Ozawa does not specifically address a graphical display, the teaching of a graphical display window displaying the status of reception and storage of data is extremely well known in the file transfer/downloading art. Therefore, it would have been obvious to one of ordinary skill in the art to modify Ozawa with such teaching so that the viewer/user may have a visual indication of the operation of the program storage.

Regarding claim 4, Ozawa shows a digital television broadcasting and receiving system.

As for claim 10, Ozawa reveals a separating means which separates the input packet data from the packet ID; a CPU incorporated in the IC card 5A makes a decision as to whether the decoder ID has an access right to the conditional access data or not. (Col. 3, lines 60-67; col. 4, lines 1-42).

As for claim 11, Ozawa shows transmission of packet ID but fails to address whether the ID identifies either the manufacturer, model or version of the extended function program. However, it would have been obvious to one skill in the art to identify conditional transmission

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data with at least one of manufacture, model and version data in order to efficiently classify the information for quick referencing.

As for claims 12, 13, 14, the CPU 6 reads out and executes a download extended function program to control the storing operation from the EEPROM 9 which is also a non-volatile memory and a flash memory. (Fig. 1).

Regarding claim 15, Ozawa illustrates the technique of storing an extended function program in the EEPROM 9 and, at the time of switching on the power supply or starting the program, writing the unwound or decompressed program in the RAM 8. (Col. 5, lines 1-28).

As for claim 16, Ozawa discloses the transmission of packet information but does not specifically address transmission according to MPEG 2 systems. However, transmission of video, audio and program data is extremely well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art to use the MPEG 2 system in order to take advantage of the wider range of frame sizes and interlaced video.

As for claim 17, Ozawa shows a basic program along with an extended function program. (Col. 3).

As for claim 18, Ozawa teaches an error correction means in the front end 3 which acts as a signal quality detection. Ozawa fails to specifically address bit error rate correction. However, the method of bit error rate correction in the CATV art is extremely well known. Therefore, it would have been obvious to one of ordinary skill in the art to incorporate bit error rate correction because it is cost effective and efficient.

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Claims 7, 8, 19-26 are the method claims of device claims 3, 4, 9-18. Accordingly, method claims 7, 8, 19-26 are also rejected for the reasons provided in the foregoing paragraphs.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any response to this action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

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(703) 308-6306, -6296, (for formal communications; please mark "EXPEDITED PROCEDURE", for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sam Huang whose telephone number is (703) 305-0627. The examiner can normally be reached on M-Th from 8:30 to 6:00 Eastern Standard time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

SH

March 13, 2000


ANDREW I. FAILE
SUPERVISORY PATENT EXAMINER
GROUP 2700